

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of \_\_\_\_\_ )  
Implementation of Section 621(a)(1) of \_\_\_\_\_ )  
the Cable Communications Policy Act of 1984 \_\_\_\_\_ ) MB Docket No. 05-  
311  
as amended by the Cable Television Consumer \_\_\_\_\_ )  
Protection and Competition Act of 1992 \_\_\_\_\_ )

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**COMMENTS OF COLLEGE TOWNSHIP**

These Comments are filed by the Township of College, Centre County, Pennsylvania in support of the comments filed by the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NATOA, College Township believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Many communities have a cable ordinance which operates in conjunction with the franchise agreement, the terms of which are often negotiated with the cable company in conjunction with the franchise agreement. These documents collectively referred to as the "franchise" below.

**Cable Franchising in Our Community**

**Community Information**

College Township is a Township of the Second Class and has a population of nearly 9,000. Our franchised cable providers are Adelphia and D&E Communications. Our community has negotiated cable franchises since, at least, 1983.

**Our Current Franchise**

Our current franchise began in 1983 and presently expires on June 30, 2006. The original franchise period of 15-years expired in 1998 but the franchise has remained active with the cable provider via letter-agreement to that effect.

The cable system serving our community also serves many adjoining communities, including Benner Township, Harris Township, Ferguson Township, Halfmoon Township, Patton Township, Bellefonte Borough and State College Borough. In 2004 our community, along with those previously cited, formed the Centre Area Cable Consortium for the purposes of collectively negotiating a cable franchise agreement. This collection of communities allows the cable company to quickly obtain franchises in these communities so as to be able to serve a large region while allowing for individual provisions in specific franchises so that they may be tailored to meet local needs.

Under the statutory timeline laid out in the Federal Cable Act, the cable operator has a 6-month window beginning 36 months before the expiration of the franchise in which to request a renewal under the Federal Act. As a result, at this time we are currently negotiating a franchise renewal with the incumbent provider and its successor Time Warner/Comcast.

Our franchise requires the cable operator to pay a franchise fee to the Township in the amount of 5% of the cable operator's revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

### **The Franchising Process**

College Township's existing cable franchise ordinance does not stipulate any procedural process other than to require compliance with requirements, rules and regulations of the Federal Communications Commission. Nevertheless, recent actions taken by the Township are illustrative of the communities approach to accommodating cable system operators and encouraging competition.

In 2003, College Township was notified by D&E Communications that a recently constructed hotel within the Township desired to contract with D&E for cable services. As D&E was not operating within College Township at that time, both parties recognized that a franchise agreement would be required. However, because D&E had agreed to serve only the new hotel and that only a single right-of-way crossing within College Township was required to do so, the Township agreed to grant D&E a cable franchise by letter agreement, effective until such time as a new franchise agreement with the dominant cable provider within the Township, Adelphia, was negotiated.

The willingness of College Township to accept a letter agreement in lieu of a formally negotiated franchise agreement is testament to the Township's willingness to work cooperatively with cable operators to resolve franchise issues expeditiously.

Furthermore, this action is indicative of College Township's support for encouraging competition and choice in matters pertaining to cable television services.

### **Conclusions**

The local cable franchising process functions well in College Township. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

College Township therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

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